

From the Upper Chamber



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Report for Monday, March 31, 2008

The thirty-seventh day of the 2008 legislative session was called to order by Lieutenant Governor **Casey Cagle**.

Senator **Don Balfour** of the 9th stated that the journal had been read and was found to be correct.

Senate Resolutions 1254, 1280 and 1281 and House Bills 816, 999, 1001, 1272, 1448, 1452, 1454, 1456, 1457, 1459 and 1463-1465 were read for the first time and assigned to committee. The clerk then read the reports of standing committees and second readers.

After the morning roll call, Sen. **John Douglas** of the 17th led the Senate in the Pledge of Allegiance. He then introduced the *Chaplain of the Day*, Reverend **Paul Leslie** of McDonough Christian Church, who led the Senate in the daily devotional.

The clerk read SR 1245, which expresses the Senate's condolences on the passing of Mrs. **Wilma Floey Robertson-Tillman**, a distinguished Georgia citizen. Sen. **Renee Unterman** of the 45th took the rostrum to speak to the resolution.

The clerk read SR 1141, which urges Georgia's colleges and universities to place a high priority on international education. Sen. **Ed Tarver** of the 22nd took the rostrum to speak to the resolution.

The clerk read SR 1279, which commends the work of the Nicholas House in helping homeless families achieve self-sufficiency. Sen. **David Adelman** of the 42nd took the well to speak to the resolution.

The clerk read SR 1252, which commends the Rockdale County Sheriff's Department for their assistance to Atlanta law enforcement during the severe tornadoes earlier this month. Senators **Douglas** and **Ron Ramsey** of the 43rd took the rostrum to speak to the resolution.

Sen. **John Wiles** of the 37th took the well to discuss the status of local bills in the Senate.

Sen. **Dan Moody** of the 56th took the well to announce that the House Rules Committee will meet at 11:00 a.m. today.

The clerk read SR 1223, which recognizes the 10th anniversary of the Len Foot Hike Inn at the Amicalola Falls State Park. Sen. **Chip Pearson** of the 51st took the rostrum to speak to the resolution.

The clerk read SR 1243, which honors the American Association of Retired Persons (AARP) on its 50th anniversary. Sen. **Unterman** took the rostrum to speak to the resolution and introduce several executive members of the AARP.

The Senate Calendar for Privileged Resolutions, consisting of SR 1253, 1255-1279 and 1282, was unanimously adopted.

The Senate Local Consent Calendar, consisting of Senate Bill 559 and HB 998, 1375, 1417-1422, 1440, 1441, 1444, 1446, 1450 and 1451, passed by a vote of 42 to 0.

Sen. **Chip Rogers** of the 21st moved to engross HB 1159, 851, 1046 and 1273. There was no objection.

Sen. **Rogers** moved to engross HB 1211. The bill was engrossed by a vote of 31 to 14.

Sen. **Rogers** moved to engross HB 1100. The bill was engrossed by a vote of 30 to 14.

Sen. **Rogers** moved to engross HB 1081 and House Resolution 1276. There was no objection.

Sen. **Vincent Fort** of the 39th took the well on a Point of Personal Privilege to discuss his concerns with the delays of SB 259 in the legislature, which restricts the issuance of “no knock” warrants.

The clerk read HB 515, which allows lottery winners to choose to receive their payments in a lump sum. Sen. **Bill Cowsert** of the 46th took the well to present the bill.

HB 515 passed by a vote of 40 to 2.

The clerk read HB 958, which makes several changes to civil proceedings in magistrate court. Sen. **Cowsert** took the well to present the bill and Amendment 1, which changes provisions for the right of appeal when failing to appear in court. He yielded to questions from Sen. **Wiles**.

Sen. **Wiles** took the well to raise concerns that Amendment 1 reverses the core purpose of the bill. He yielded to questions from Sens. **Seth Harp** of the 29th and **Tarver**.

Amendment 1 was adopted by a vote of 29 to 6.

HB 958 passed as amended by a vote of 42 to 0.

The clerk read HB 960, which mandates that only a superior court judge may provide bail for crimes involving the possession or distribution of ecstasy. Sen. **Balfour** took the well to present the bill.

HB 960 passed by a vote of 41 to 0.

The clerk read HB 130, which prevents consumer reporting agencies from charging a fee to those 65 and older for placing or removing a security freeze. Sen. **Bill Hamrick** of the 30th took the well to present the bill.

The Committee Substitute to HB 130 was unanimously adopted.

HB 130 passed by a vote of 44 to 0.

The clerk read HB 1159, which provides for an income tax credit for adopting a foster child. Sen. **Mitch Seabaugh** of the 28th took the well to present the bill.

HB 1159 passed by a vote of 44 to 0.

The clerk read HB 152, which expands the eligibility for receiving the HOPE Scholarship to include home school students. Sen. **Harp** took the well to present the bill and yielded to questions from Sens. **Regina Thomas** of the 2nd and **Valencia Seay** of the 34th.

HB 152 passed by a vote of 43 to 2.

The clerk read HB 969, which allows driver education courses approved by the Department of Driver Services (DDS) to be taught in home schools. Sen. **Jack Murphy** of the 27th took the well to present the bill. He yielded to questions from Sen. **Thomas** of the 2nd.

The Committee Substitute to HB 969 was unanimously adopted.

HB 969 passed by substitute by a vote of 41 to 2.

The clerk read HB 239, which ratifies several Department of Natural Resources' rules to include legislation allowing sugar gliders to be kept as pets, and removes water buffalo from the endangered species list. Sen. **John Bulloch** of the 11th took the well to present the bill.

The Committee Substitute to HB 239 was unanimously adopted.

HB 239 passed by substitute by a vote of 40 to 0.

Sen. **David Shafer** of the 48th took the well to announce that the Senate Regulated Industries and Utilities Committee will meet during the lunch break.

The Senate stood in recess for lunch and reconvened at 1:00 p.m.

The clerk read HB 393, which allows farm wineries to sell wine via the Internet or phone. Sen. **Unterman** took the well to present the bill and yielded to questions from Sen. **Thomas** of the 2nd.

HB 393 passed by a vote of 35 to 6.

The clerk read SR 1286, which recognizes legislative assistant **Carmen Alexander** on the occasion of her retirement from the General Assembly. Sen. **Tim Golden** of the 8th took the rostrum to speak to the resolution.

The clerk read HB 1061, which authorizes the special order shipping license for wine. Sen. **Unterman** took the well to present the bill and yielded to questions from Sens. **Thomas** of the 2nd, **Cowsert**, **Douglas** and **Thompson** of the 33rd.

HB 1061 passed by a vote of 40 to 6.

The clerk read HB 851, which increases tax credits for the certified rehabilitation of historic structures. Sen. **Rogers** took the well to present the bill and yielded to questions from Sen. **Thomas** of the 2nd.

The Committee Substitute to HB 851 was unanimously adopted.

HB 851 passed by substitute by a vote of 49 to 2.

The clerk read HB 1046, which extends the tax exemption for watercrafts held in inventory for resale. Sen. **Rogers** took the well to present the bill and yielded to questions from Sen. **Orrock**.

HB 1046 passed by a vote of 46 to 1.

The clerk read HB 1054, which enacts the *Children and Family Service Strengthening Act of 2008*. Sen. **Joseph Carter** of the 13th took the well to present the bill and yielded to questions from Sen. **Thompson** of the 33rd.

The Committee Substitute to HB 1054 was unanimously adopted.

HB 1054 passed by substitute by a vote of 50 to 0.

The clerk read HB 1158, which sets forth a referendum vote to impose a \$10 fee on car tags for trauma funding. Sen. **Johnson** took the well to present the bill and Amendment 1, which changes the bill's effective date. He yielded to questions from Sens. **Fort**, **Ross Tolleson** of the 20th, **George Hooks** of the 14th, **Emanuel Jones** of the 10th, **Thompson** of the 33rd, **Shafer** and **Ralph Hudgens** of the 47th.

Sen. **Adelman** took the well to speak in support of the bill and yielded to questions from Sen. **Thompson** of the 33rd.

Sen. **Cecil Staton** of the 18th took the well to speak in support of the bill and yielded to questions from Sen. **Unterman**.

Sen. **Fort** took the well to voice concerns with the lack of funding for indigent care.

Sen. **Thompson** of the 33rd took the well to speak in support of the bill.

Sen. **Thomas** of the 2nd took the well to speak in support of the bill.

Sen. **Johnson** took the well to close the debate.

Amendment 1 was unanimously adopted.

The Committee Substitute to HB 1158 was unanimously adopted as amended.

HB 1158 passed by substitute by a vote of 43 to 7.

The clerk read HB 1209, which requires all local school systems to develop a contract with the State Board of Education to measure the improvement of school performance. Sen. **Johnson** took the well to present the bill, and yielded to questions from Sen. **Ramsey**.

Sen. **Thompson** of the 33rd took the well to voice concerns that the legislature is making decisions without adequate knowledge of issues.

Sen. **Fort** took the well to comment that teacher positions are at risk and that there is a lack of funding options.

Sen. **Williams** took the gavel to preside over the Senate.

Sen. **Ramsey** took the well to speak on certifications being waived. He yielded to questions from Sen. **Thompson** of the 33rd.

Sen. **Horacena Tate** of the 38th presented Amendment 1, which allows a ballot vote to be taken on the provisions of the contract.

Sen. **Dan Weber** of the 40th took the well to present Amendment 1a, which allows for a vote on the contract to be non-binding.

Sen. **Johnson** took the well to close the debate.

Amendment 1a was adopted by a vote of 30 to 4.

Amendment 1 failed by a vote of 14 to 24.

The Committee Substitute to HB 1209 was unanimously adopted as amended.

HB 1209 passed by substitute by a vote of 30 to 20.

The clerk read HB 1273, which redefines terms regarding tax credits for the creation of jobs in less developed areas. Sen. **Bill Jackson** of the 24th took the well to present the bill. In the tradition of the Senate, he yielded to questions in jest from Sens. **Jeff Mullis** of the 53rd, **Johnny Grant** of the 25th, **Hamrick**, **Seabaugh** and **Preston Smith** of the 52nd, as he presented his first bill.

The Committee Substitute to HB 1273 was unanimously adopted.

HB 1273 passed by substitute by a vote of 50 to 1.

The clerk read HB 1211, known as the *Georgia Forest Land Protection Act of 2008*, which provides rules on the qualification of property for conservation use assessment. Sen. **Bulloch** took the well to present the bill and yielded to questions from Sen. **Harp**.

The Committee Substitute to HB 1211 was unanimously adopted.

HB 1211 passed by substitute by a vote of 47 to 1.

Lt. Gov. **Cagle** took the gavel to preside over the Senate.

The clerk read HB 1189, which requires the Department of Transportation (DOT) to file a report on the State-wide Strategic Transportation Plan. Sen. **Mullis** took the well to present the bill.

The Committee Substitute to HB 1189 was unanimously adopted.

HB 1189 passed by substitute by a vote of 50 to 0.

The clerk read HB 1100, which provides tax incentives for film productions in Georgia. Sen. **Greg Goggans** of the 7th took the well to present the bill.

The Committee Substitute to HB 1100 was unanimously adopted.

HB 1100 passed by substitute by a vote of 48 to 1.

The clerk read HB 68, known as the *Coastal Marshlands Protection Act*, which provides exemptions for single private docks. Sen. **Williams** took the well to present the bill.

Sen. **Jeff Chapman** of the 3rd presented Amendment 1, which prohibits residential or commercial buildings to be constructed on or in the Jekyll Island dune field.

Sen. **Williams** questioned the germaneness of the Amendment. Lt. Gov. **Cagle** ruled the Amendment was found non-germane.

The Committee Substitute to HB 68 was unanimously adopted.

HB 68 passed by substitute by a vote of 48 to 2.

The clerk read HB 422, which provides limits to liens on specialized land transactions. Sen. **Murphy** took the well to present the bill.

The Committee Substitute to HB 422 was unanimously adopted.

HB 422 passed by substitute by a vote of 50 to 0.

The clerk read HB 426, which authorizes the DOT to order the protection of a grade crossing in its road system by the installation of protective devices. Sen. **Doug Stoner** of the 6th took the well to present the bill and yielded to questions from Sen. **Carter**.

The Committee Substitute to HB 426 was unanimously adopted.

HB 426 passed by substitute by a vote of 45 to 0.

Sen. **Douglas** moved to suspend the rules to read SR 1293 for the first time. SR 1293 was read and assigned to committee.

The clerk read HB 535, which creates the Office of Disability Services Ombudsman to investigate and resolve complaints against mental health service providers. Sen. **Grant** took the well to present the bill and to introduce Amendment 1, which makes a language clarification.

Amendment 1 was unanimously adopted.

The Committee Substitute to HB 535 was unanimously adopted as amended.

HB 535 passed by substitute by a vote of 47 to 0.

The clerk read HB 993, which allows persons 75 and older to go to the front of the line in an absentee ballot election. Sen. **Wiles** took the well to present the bill.

HB 993 passed by a vote of 47 to 0.

HB 1000 was read, which requires boats to be titled under the Department of Revenue. Sen. **Grant** took the well to present the bill.

The Committee Substitute to HB 1000 was unanimously adopted.

HB 1000 passed by substitute by a vote of 46 to 0.

The clerk read HB 1113, which increases punishments for the misuse of government purchase cards. Sen. **Seabaugh** took the well to present the bill.

The Committee Substitute to HB 1113 was unanimously adopted.

HB 1113 passed by substitute by a vote of 48 to 0.

The clerk read HB 1081, which allows local governments to determine if there is a minimum amount of property that could be used as conservation use property. Sen. **Rogers** took the well to present the bill.

The Committee Substitute to HB 1081 was unanimously adopted.

HB 1081 passed by substitute by a vote of 42 to 1.

The clerk read HB 1104, which clarifies the requirements for the registration of non-profit organizations. Sen. **Judson Hill** of the 32nd took the well to present the bill.

HB 1104 passed by a vote of 49 to 0.

The clerk read HB 1283, which seeks to guard against adverse possession claims against railroad properties with the presumption that the railroad owns the property. Sen. **Pearson** took the well to present the bill and to explain Amendment 1, which restricts the bill's provisions to include only real property.

Amendment 1 was unanimously adopted.

The Committee Substitute to HB 1283 was unanimously adopted as amended.

HB 1283 passed by substitute by a vote of 42 to 5.

The clerk read HB 1328, which eliminates the Consumer Choice Option from the State Health Benefit Plan. Sen. **Rogers** moved to place HB 1328 at the foot of the calendar. There was no objection.

HB 1335 was read, which readjusts the program funding weights in the Quality Basic Education Formula. Sen. **Weber** took the well to explain the bill.

HB 1335 passed by a vote of 48 to 1.

The clerk read HR 1276, a constitutional amendment that encourages the preservation of the state's forests through the special assessment and taxation of certain forest land conservation use property and local assistance grants.

Sens. **Tolleson** and **Harp** requested to be excused from voting on the resolution. There was no objection.

HR 1276 was adopted by a vote of 46 to 1.

The clerk read HB 975, which prohibits cities and counties from issuing any backdated authorizing documents, such as licenses or permits. Sen. **Moody** took the well to present the bill.

HB 975 passed by a vote of 45 to 0.

Sen. **Johnson** took the gavel to preside over the Senate.

The clerk read HB 791, which designates the third Monday in October as Bus Drivers Appreciation Day in Georgia. Sen. **Wiles** took the well to present the bill.

HB 791 passed by a vote of 48 to 0.

The clerk read HB 790, which designates the third week in October as School Bus Safety Week in Georgia. Sen. **Wiles** took the well to present the bill.

HB 790 passed by a vote of 48 to 0.

The clerk read HB 1018, which requires superior court clerks to collect an additional filing fee for recording an instrument that requires cross-indexing. Sen. **Cowsert** took the well to present the bill.

HB 1018 passed by a vote of 46 to 2.

HB 1217 was read, which allows home inspectors to obtain a license. Sen. **Wiles** took the well to introduce the bill.

HB 1217 passed by a vote of 44 to 0.

The clerk read 1328, eliminating the Consumer Choice Option from the State Health Benefit Plan. Sen. **Rogers** took the well to present the bill.

Sen. **Hill** of the 32nd moved to withdraw the floor substitute to HB 1328. There was no objection.

HB 1328 passed by a vote of 39 to 3.

Following the announcements, Majority Leader **Tommie Williams** of the 19th moved that the Senate stand adjourned until 11:00 a.m., Tuesday, April 1.

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